



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA - Lodi Financing Corporation
Date: June 2, 2004
Time: 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

MEETING OF THE
Lodi Financing Corporation

- A. Call to order – President
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- Res. D. Adopt resolution approving the retention of Folger Levin & Kahn as outside counsel and approving waiving the joint representation conflict (CA)
- E. Other business
- F. Comments by public on non-agenda items
- G. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
Secretary
Lodi Financing Corporation



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Meeting of the Lodi Financing Corporation for the Purpose of Electing New Officers
MEETING DATE: June 2, 2004
PREPARED BY: City Clerk

RECOMMENDED ACTION: That the Lodi Financing Corporation conduct a meeting for the purpose of electing new officers to the Corporation and adopt a resolution certifying the same.

BACKGROUND INFORMATION: Inasmuch as a new Finance Director has been appointed, it is necessary to appoint a new Treasurer to the Corporation and confirm the officers for 2004.

The appropriate resolution is attached as Exhibit A.

FUNDING: None required.


Susan J. Blackston
City Clerk

SJB/jmp

Attachments

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. LFC-11

A RESOLUTION ELECTING OFFICERS OF
THE LODI FINANCING CORPORATION

=====

WHEREAS, under the organizational procedures of the Lodi Financing Corporation, an annual meeting of Directors shall be held and officers elected.

NOW, THEREFORE, BE IT RESOLVED by the Directors of the Lodi Financing Corporation that the following persons are elected to the offices set forth opposite their names below as officers of the Corporation, to serve until the election and qualification of their successors as provided in Article III, Section 303, of the bylaws of the Corporation:

| <u>Name</u> | <u>Title</u> |
|--------------------|----------------|
| Larry D. Hansen | President |
| John Beckman | Vice President |
| James R. Krueger | Treasurer |
| Susan J. Blackston | Secretary |

Dated: June 2, 2004

=====

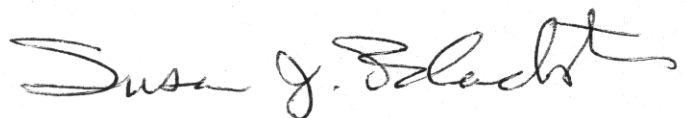
I hereby certify that Resolution No. LFC-11 was passed and adopted by the Board of Directors of the Lodi Financing Corporation in a regular meeting held June 2, 2004, by the following vote:

AYES: DIRECTORS – Beckman, Hitchcock, Howard, Land, and
President Hansen

NOES: DIRECTORS – None

ABSENT: DIRECTORS – None

ABSTAIN: DIRECTORS – None



SUSAN J. BLACKSTON
Secretary



CITY OF LODI – LODI FINANCING CORPORATION COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution approving retention of Folger, Levin & Kahn as Outside Counsel and approving waiving the joint representation conflict

MEETING DATE: June 2, 2004

PREPARED BY: Interim City Attorney

RECOMMENDED ACTION: That the Board of Directors adopt a Resolution approving the retention of Folger, Levin & Kahn as Outside Counsel for the Environmental Abatement Program litigation, and further approve the waiving of the joint representation conflict.

BACKGROUND INFORMATION: Following a lengthy proposal process, we are now in the position to formalize the hiring of the law firm of Folger, Levin & Kahn to act as Outside Counsel to litigate the complex environmental lawsuits in which the City of Lodi is involved relating to the soil and water contamination.

Also before you this evening as a matter of law, it is necessary that the City Council acknowledge that a joint representation conflict exists in hiring the law firm of Folger, Levin & Kahn. The City Council if it so desires can approve the waiving of the joint representation conflict. By doing so, you acknowledge that there is a potential conflict in having a single firm represent two different entities (the City of Lodi and the Lodi Financing Corporation) who may during the course of the litigation have different interests.

D. Stephen Schwabauer
Interim City Attorney

FUNDING: Water Fund

James R. Krueger, Finance Director

DSS/pn

APPROVED:

H. Dixon Flynn, City Manager

RESOLUTION NO. LFC-12

A RESOLUTION APPROVING THE RETENTION OF
FOLGER LEVIN & KAHN AS OUTSIDE COUNSEL
RELATING TO THE ENVIRONMENTAL ABATEMENT
PROGRAM LITIGATION AND FURTHER APPROVING
WAIVING THE JOINT REPRESENTATION CONFLICT

=====

NOW, THEREFORE, BE IT RESOLVED that the Directors of the Lodi Financing Corporation hereby authorizes the retention of the law firm of Folger, Levin & Kahn to serve as outside counsel for the Environmental Abatement Program litigation; and

BE IT FURTHER RESOLVED that the Directors do hereby approve waiving the joint representation conflict.

Dated: June 2, 2004

=====

I hereby certify that Resolution No. LFC-12 was passed and adopted by the Board of Directors of the Lodi Financing Corporation in a regular meeting held June 2, 2004, by the following vote:

AYES: DIRECTORS – Beckman, Hitchcock, Howard, Land, and
President Hansen

NOES: DIRECTORS – None

ABSENT: DIRECTORS – None

ABSTAIN: DIRECTORS – None



SUSAN J. BLACKSTON
Secretary